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# In Bankruptcy

Rules and regulations in Bankruptcy for the Territory of Iowa approved and adopted at the January Term of the Supreme Court 1843.—

Rule 1. Every petition by a debtor for the benefit of the act and every petition by a creditor praying that a debtor may be declared a bankrupt shall be verified by the signature and oath of the petitioner before a judge of said Court or a commissioner in bankruptcy or a justice of the peace of the county where the petitioner shall reside, and shall be filed with the clerk of this court.—

Rule 2 Either of the Judges of this court may make all common orders of notice; orders for rules to shew cause; orders directing the form of the issue in cases where a trial by jury may by law be required under the provisions of the act; orders for taking testimony; orders to file interrogatories to be answered by the bankrupt before the court or a commissioner, and assigning the time and place of the examination of the bankrupt thereupon; orders for the sale or transfer of the property of the bankrupt and prescribing the time place and terms of sale; and orders for the distribution of the assets of the bankrupts estate.— If at the time assigned for the hearing of a petition for declaring the debtor a bankrupt, or for his discharge and certificate no cause to the contrary shall be shown and no objections or allegations against the prayer of the petition shall be filed it shall be taken for confessed, and the proper decree may be entered by the clerk which decree shall be absolute unless cause to the contrary be shown within six days thereafter; but if any

Such objections or allegations shall be filed at such time of hearing, or within six days as aforesaid a day in term may be assigned by the order of court for hearing —

Rule 3 The petition of a creditor against his debtor must set forth the particulars upon which a decree in bankruptcy is prayed — At the time of filing a petition of a debtor for the benefit of the bankrupt act a seperate copy of the inventory shall be left with the Clerk to be delivered to the assignee with notice of the decree of bankruptcy —

Rule 4 When the petitioner seeks to be declared a bankrupt he may set forth upon the face of his petition a list of his creditors and an inventory of his estate required by the first section of the act, or he may state the same in schedules referred to in the petition and annexed to it, and subscribed by the petitioner in the presence of the commissioner or justice before whom the petition shall be verified by the oath of the petitioner —

Rule 5 If the petition seeks to have the debtor declared bankrupt, it must state the name residence and occupation (if any he have) of each petitioner, the amount of indebtedness claimed by him, distinguishing principals from interest to whom the indebtedness was incurred, and whether on negotiable paper or how otherwise; and when the petitioner is not the original creditor in what manner and when his right to the debt accrued. Such petition must state clearly and precisely the business or occupation of the bankrupt and the place where prosecuted

at the time of the alleged bankruptcy; and all acts of the debtor with the time and place when committed by which it is intended to prove the bankruptcy.—

Rule 6. The petition being filed and the time and place of publication having been designated by the Court or one of the judges, the clerk will enter the order on the docket and forthwith furnish the necessary copies for publication.—

Rule 7. The party appearing to show cause against a petition must file a brief statement in writing of the grounds of objection. If this be done at the time appointed by the notice and before the case is acted on, filing the same and having them noted on the docket shall be a sufficient notice thereof to the petitioner. But if the time to show be enlarged by the Court then in addition to the note on the docket a copy of the objections must be served on the petitioner or his attorney.—

Rule 8. On the expiration of the notice to show cause and proof of publication filed and if no objections or allegations against the petition are filed, the petitioner may move the court and take instanter by order of the Court or one of the Judges, the proper decree in the matter.—

Rule 9. When the objections filed are to the regularity or sufficiency of the petition, or present only questions of law either party may have an order entered upon the docket for the hearing of the cause.—

Rule 10 When proofs are to be made and the proceedings are ready therefor, either party may take them before a Commissioner in Bankruptcy in manner pointed out by law for taking depositions — When the proofs are

returned and filed); or the issue or matter is otherwise prepared for hearing, the court may proceed therein on the motion of any party. In cases of voluntary bankruptcy any one who has proved his claim or who may have a right to a distribution of assets shall be deemed a party defendant.—

Rule 11. When a trial by jury shall be required under the provisions of the act, the form of the issue shall be directed by the court or one of the judges thereof; the cause shall be placed on the trial docket of the district court of the county in which the petitioner resides, and the trial shall be had at the term for the same county next succeeding the order therefor, unless the order shall be made in term time in which case it shall be tried at the same term if the petit jury shall not have been discharged; and the verdict shall be delivered by the party in whose favor it may be, to the Commissioner of bankruptcy of the same county, and by him returned with other proceedings to the clerk of this court, where the verdict shall be entered on the minutes in bankruptcy.

Rule 12. When a personal examination of a bankrupt before the Commissioner is desired, a petition or affidavit setting forth concisely the reasons or necessity therefore shall be presented to the court or any judge thereof; and if the examination be allowed the clerk or judge as the case may be shall endorse on said petition the allowance together with the time and place thereof and whether the same be orally or on written interrogatories.—

Rule 13. The clerk shall prepare and keep a docket in which shall be entered short memoranda of the proceedings in all cases acted on by the Court with proper dates as they occur and with reference by appropriate numbers to all files documents and proofs exhibited or used therein: when any order or decree is made conformably to any form prescribed by the rules of Court the entry on the Docket may be ordered as per form No

Rule 14 The Court at its own instance or on motion of any party may refer to a Commissioner for his examination and report such matters arising in the proceedings as according to the course of Courts of equity may be refered to a master in Chancery.—

Rule 15 Exceptions may be filed to the report of any Commissioner within two days after the return thereof to the Clerks office of this Court; and in like manner may exceptions be taken to the admission or rejection of evidence.—

Rule 16 One Commissioner shall be appointed for each organised County in the Territory, to examine on oath bankrupts residing in the County for which he shall be appointed upon interrogatories according to the fourth section of the "act to establish a uniform System of Bankruptcy throughout the United States; to take the proof of claims against the estates of bankrupts according to the fifth and seventh sections of said act; to take the depositions of witnesses to be used at all hearings, and to perform all the other duties of a Commissioner according to the provisions of said act.—

Rule 18 The appointment and removal of Commissioner and Assignee shall be by

order of the court, and entered on the minutes of the proceedings in bankruptcy; a certified copy thereof under the seal of the court shall be delivered to them by the clerk

Rule 17 The court shall appoint an official or general assignee for each county who shall give bond with sureties to be approved by one of the Judges of this court in such sum as he may direct, which bond shall be filed with the clerk of this court. The Court may at its discretion from time to time order new or additional sureties or to an increased amount, to be given by the assignees and may remove any assignee and make new appointments whenever necessary in its judgment to secure a faithful execution of the duties of the office. For good cause shown the court may appoint special assignees in any particular case.

Rule 19 Whenever any party shall have been declared a bankrupt the clerk shall on the same day or as soon thereafter as possible certify that fact to the assignee. After such declaration the assignee whereby the same may be necessary, on proper evidence and by motion to the court or any judge thereof may have the requisite order or process of the court to put him in possession of the bankrupts estate, books, papers &c.

Rule 20. Any party interested in the estate or the bankrupt himself, dissatisfied with the amount of effects set apart by the assignee from the assignment may except thereto within ten days after the determination of the assignee.

Rule 21 The assignee shall keep clear and separate accounts of the estates respectively assigned; and exhibit the same when required by the court, or, on reasonable request to any party interested therein.—

Rule 22 The creditors filing their dissent to a final discharge shall have the same marked and noted on the docket; and before a final order on a petition for a discharge and certificate shall be made it shall be refered to the clerk to ascertain from the docket and files, and report to the court whether a majority in number and value of the creditors who have proved their debts dissent to the allowance of such discharge— The clerk shall also report to the court whether there is evidence on file that the bankrupt has complied with the orders in his case from time to time passed by the court.—

Rule 23 The Commissioners and assignees shall report to the clerk of this court quarterly on the first days of January, April, July, and October all matters and things touching their proceedings in bankrupts estates as may be necessary to be communicated to & known by the court.—

Rule 24 The officers of this court in bankruptcy shall be entitled to such fees for their services as are or may be allowed for similar services by the Statutes of Iowa unless otherwise directed by the court, which fees shall be secured by the petitioner to the satisfaction of the clerk or paid as the services are rendered.—

# In Bankruptcy

No 1

Lorenzo M. Buckland Petition in Bankruptcy

And this the 10th day of January 1843 the said Lorenzo M. Buckland filed his petition praying for the benefit of the Bankrupt laws and thereupon on his motion by his Solicitors Thicher & Lewis — It is ordered that notice of the said petition be published in the Iowa Standard and that the first publication thereof be at least twenty days before the 9th day of May 1843 which day is hereby appointed for the hearing thereof at 10 o'clock A. M. —

Due Notice having been given, by advertisement in the Iowa Standard, to all persons interested to appear before the Supreme Court of Iowa Territory at the Capitol in Iowa City in the said Territory on the ninth day of May 1843 to show cause if any they had, why the prayer of Lorenzo M. Buckland of VanBuren County a petitioner for the benefit of the bankrupt law, should not be granted, and no such cause having been shown, and it appearing to the satisfaction of the Court that the facts stated in the petition and schedules of the said Lorenzo M. Buckland are true, it is this 10th day of May 1843 by the Court ordered and decreed, that the said Lorenzo M. Buckland is deemed and is a bankrupt within the purview of the act of Congress of the 19th of August 1841, entitled "An act to establish a uniform System of bankruptcy throughout the United States."

And it is further ordered that Elisha Butler Jr. be and he is hereby appointed a commissioner in this case to examine the said bankrupt and to perform all the duties of a commissioner according to the provisions of the act to establish a uniform System of bankruptcy throughout the United States. —

# In Bankruptcy

No 2

Alvah White Petition in Bankruptcy—

On this the 12th day of January 1843 the said Alvah White filed his petition herein praying for the benefit of the Bankrupt law—

It is ordered that notice of the said petition be published in the Iowa Standard and that the first publication thereof be at least twenty days before the 9th day of May 1843 which day is hereby assigned for the hearing thereof at 10 o'clock A. M.—

Due notice having been given by advertisement in the Iowa Standard to all persons interested to appear before the Supreme Court of Iowa Territory at the Capitol in Iowa City in the said Territory on the 9th day of May 1843 to show cause if any they had why the prayer of Alvah White of Van-Buren County a petitioner for the benefit of the Bankrupt law, should not be granted and no such cause having been shown, and it appearing to the satisfaction of the Court that the facts stated in the petition and schedules of the said Alvah White are true it is this 10th day of May 1843 by the Court ordered and decreed, that the said Alvah White is deemed and is a bankrupt, within the purview of the act of Congress of the 19th of August 1841, entitled "An act to establish a uniform system of bankruptcy throughout the United States."—

And it is further ordered that Elisha Butler Jr be and he is hereby appointed a Commissioner, in this case to examine the said bankrupt and to perform all the duties of Commissioner according to the provisions of the act to establish a uniform system of bankruptcy throughout the united States.—

# In Bankruptcy

## for

Jonas Clark Petition in Bankruptcy

On this the 30th day of January 1843 the said Jonas Clark files herein his petition in Bankruptcy—

It is ordered that notice of the said petition be published in the Bloomington Herald and that the first publication thereof be at least twenty days before the 8th day of May 1843 which day is hereby assigned for the hearing thereof & to order &c. &c.—

Due notice having been given by advertisement in the Bloomington Herald, to all persons interested to appear before the Supreme Court of Iowa Territory at the capitol in Iowa City in said Territory on the 8th day of May 1843 to shew cause if any they had why the prayer of Jonas Clark of Muscatine County a petitioner for the benefit of the bankrupt law, should not be granted, and no such cause having been shown, and it appearing to the satisfaction of the Court that the facts stated in the petition and schedule of the said Jonas Clark are true, it is this 10th day of May 1843 by the Court ordered and decreed, that the said Jonas Clark be and is a bankrupt within the purview of the act of Congress of the 19th of August 1841 entitled "An act to establish a uniform system of bankruptcy throughout the United States"—

And it is further ordered that Arthur Bronson and he is hereby appointed a Commissioner in this case to examine the said Bankrupt and to perform all the duties of a Commissioner according to the provisions of the act to establish a uniform System of Bankruptcy throughout the United States.—

In Bankruptcy

No 44

David Clark Petition in Bankruptcy

On this the 9th day of February 1843 the said David Clark filed herein his petition praying for the benefit of the Bankrupt act—

It is ordered that notice of the said petition be published in the Iowa Standard and that the first publication thereof be at least twenty days before the 9th day of May 1843 which day is hereby assigned for the hearing thereof at ten oclock A. M.—

Due notice having been given, by advertisement in the Iowa Standard to all persons interested to appear before the Supreme Court of Iowa Territory at the Capitol in Iowa City in said Territory on the 9th day of May 1843 to show cause if any they had why the prayer of David Clark of said petition praying a petition for the benefit of the bankrupt law, should not be granted, and no such cause having been shown, and it appearing to the satisfaction of the court that the facts stated in the petition and Schedules of the said David Clark are true it is this 10th day of May 1843 by the Court ordered and decreed that the said David Clark is deemed and is a bankrupt, within the purview of the act of Congress of the 19th of August 1841 entitled "An act to establish a uniform system of bankruptcy throughout the United States"—

And it is further ordered that Arthur Crashborn be and he is hereby appointed a Commissioner in this case to examine the said Bankrupt and to perform all the duties of a Commissioner, according to the provisions of the act to establish a uniform System of Bankruptcy throughout the United States.—

# In Bankruptcy

No 5

Henry Funk Petition in Bankruptcy -

On this the 6th day of March 1843 the said Henry Funk filed herein his petition praying for the benefit of the Bankrupt act -

It is ordered that notice of the said petition be published in the Bloomington Herald and that the first publication thereof be at least twenty days before the 9th day of May 1843 which day is hereby assigned for the hearing thereof, at ten o'clock A. M. -

Due notice having been given by advertisement in the Bloomington Herald, to all persons interested to appear before the Supreme Court for Iowa Territory at the Capital in Iowa City in said Territory on the Ninth day of May 1843 to show cause, if any they had, why the prayer of Henry Funk of Muscatine County, a petitioner for the benefit of the bankrupt law should not be granted; and no such cause having been shown and it appearing to the satisfaction of the court that the facts stated in the petition and schedules of the said Henry Funk are true, it is this 10th day of May 1843 by the Court ordered and decreed that the said Henry Funk is decreed and is a bankrupt within the purview of the act of Congress of the 19th of August 1841 entitled "An act to establish a uniform system of bankruptcy throughout the United States" — And it is further ordered that Arthur Washburn be and he is hereby appointed a Commissioner in bankruptcy in this case to examine the said bankrupt and to perform all the duties of Commissioner according to the provisions of the act to establish a uniform system of bankruptcy throughout the United States —

In Bankruptcy

No 1

Lorenzo Mc. Buckland Petition in Bankruptcy

On this the 10th day of May 1843 came the said petitioner by his Solicitor and on his motion It is ordered by the Court that the said petition be Continued for the second hearing thereof until the 2nd day of January 1844 which day is hereby assigned for the hearing thereof, ~~in the aforesaid~~ before the Supreme Court in and for the Territory of Iowa sitting in bankruptcy at the Capitol in Iowa City, and that notice thereof be published three times in the Iowa Standard and that the first publication thereof be at least Seventy days before the day of hearing-

And it is further ordered by the court that Hernan P. Graves of VanBuren County be and he is hereby appointed assignee of all the property and rights of property of every name and nature, whether real personal, or mixed, of the said Lorenzo Mc. Buckland- except such as are exempt by the operations of the Bankrupt Law— provided the said Hernan P. Graves shall execute bond to the United States with two or more good sureties to be approved by the court, in the penal sum of Five Hundred Dollars Conditioned for the due and faithful discharge of all his duties and his compliance with the orders and directions of this Court.—

In Bankruptcy

No 2

Noah White Petition in Bankruptcy.

On this the 18th day of May 1843 came the said petitioner by his Solicitor and on his motion — It is ordered by the Court that the said petition be continued to the second hearing thereof until the 2nd day of January 1844 which day is hereby appointed for the hearing thereof at the Office of the Supreme Court in and for the District of Iowa sitting in Bankruptcy at the Capitol in Iowa City, and that notice thereof be published three times in the Iowa Standard and that the first publication thereof be at least sixty days before the day of hearing. —

And it is further ordered by the Court that Hernan P. Graves of Scott County be and he is hereby appointed assignee of all the property and rights of property of every name and nature whatsoever real personal and Mixed of the said Bankrupt, except such as are exempt by the operations of the Bankrupt Law — Provided the said Hernan P. Graves shall execute bond to the United States with two or more good sureties to be approved by the Court in the penal sum of one thousand five hundred Dollars conditioned for the due and faithful discharge of all his duties and his conformance with the orders and direction of this Court. —

In Bankruptcy

1843

Jesse Clark Petition in Bankruptcy

On this the 14th day of May 1843 came the said petitioner in his proper and own proper motion

It is ordered by the court that the said petition be continued for the second hearing thereof until the 3rd day of January 1844 which day is hereby appointed for the hearing thereof at ten o'clock A.M. before the Supreme Court in and for the District of Iowa, sitting in Bankrupt Term at the Capitol in Iowa City, and that notice thereof be published three times in the Iowa Standard and that the first publication thereof be at least twenty days before the day of hearing.

And it is further ordered by the court that the Clerk of said county be and he is hereby appointed assignee of all the property and rights of property of every name and nature, whether real personal or mixed of the said Jesse Clark, except such as are exempt by the operations of the Bankrupt Act provided the said assignee shall execute bond to the United States with two or more good securities to be approved by the court in the penal sum of Five Hundred Dollars conditioned for the due and faithful discharge of all his duties and his compliance with the orders and directions of this court.—

In Bankruptcy

No 4

David Clark Petition in Bankruptcy.—

On this 10th day of May 1843 came the said petitioner by his Solicitor and on his motion—

It is ordered by the Court that the said petition be continued for the second hearing thereof until the 2nd day of January 1844 which day is hereby assigned for the hearing thereof at ten o'clock A. M. before the Supreme Court in and for the Territory of Iowa sitting in Bankruptcy at the capitol in Iowa City and that notice thereof be published three times in the Iowa ~~xxx~~ Standard and that the first publication thereof be at least Seventy days before the day of hearing.—

And it is further ordered by the Court that Charles Mattoon of Muscatine County be and he is hereby appointed assignee of all the property and rights of property of every name and nature, whether real personal or mixed of the said David Clark, except such as are exempt by the operations of the Bankrupt Law.— Provided the said Charles Mattoon shall execute bond to the United States with good security to be approved by the Court in the penal sum of one thousand Dollars conditioned for the due and faithful discharge of all his duties and his compliance with the orders and directions of this court.—

In Bankruptcy

No 5

Henry Hunk Petition in Bankruptcy

On this 10th day of May 1843 came the said petitioner by his Solicitor and on his motion - It is ordered by the court that the said petition be continued for the second hearing thereof until the 2nd day of January 1844 which day is hereby assigned for the hearing thereof at ten oclock A. M. before the Supreme Court in and for the Territory of Iowa, sitting in Bankruptcy at the Capitol in Iowa City, and that notice thereof be published three times in the Bloomington Herald and that the first publication thereof be at least seventy days before the day of hearing —

And it is further ordered by the court that Charles Mattoon of Muscatine County be and he is hereby appointed assignee of all the property and rights of property of every name and nature, whether real personal or mixed of the said Henry Hunk, except such as are exempt by the operations of the bankrupt law.—

Provided the said Charles Mattoon shall execute bond to the United States with good security to be approved by the court in the penal sum of Five Hundred Dollars conditioned for the due and faithful discharge of all his duties and his compliance with the orders and directions of this court. —

# In Bankruptcy

## No 1

In the matter of Lorenzo M. Buckland a bankrupt

Whereas it appears to the Satisfaction of the Court that Lorenzo M. Buckland, of Van Buren County in the District of Iowa Territory, a bankrupt, has, bona fide, surrendered all his property and rights of property, for the benefit of his creditors, with the exception of certain articles which he has been permitted to retain under the third section of the act of Congress of the 19th of August 1841, entitled "an act to establish a uniform System of bankruptcy throughout the united States;" and whereas the said Lorenzo M. Buckland hath fully complied with and obeyed all the orders and directions which have from time to time, been passed by this Court, and has otherwise conformed to all the other requisitions of the said act; It is this 2nd day of January 1844, ordered and decreed by this court that the said Lorenzo M. Buckland is entitled to a full discharge from all his debts, contracts and other engagements, provable under the said act, and the same is hereby decreed and allowed; and it is further ordered that a certificate thereof be and the same is hereby granted to him.—

Charles Mason
Chief Justice

# In Bankruptcy

No 2

In the Matter of Alvah White a bankrupt

It appearing to the satisfaction of the court that Heman H. Graves the assignee appointed in this cause refuses to execute bond and qualify as such.

It is therefore this 2nd day of January 1844 ordered by the court that James B. Howell of VanBuren County be and he is hereby appointed assignee of all the property and rights of property of every name and nature, whether real personal or mixed of the said Alvah White, except such as are exempt by the operations of the Bankrupt Law.— Provided that said James B. Howell shall execute bond to the United States with two or more good securities to be approved by the court or one of the Judges thereof, in the penal sum of one thousand five hundred Dollars Conditioned for the due and faithful discharge of all his duties and his compliance with the orders and directions of this court.—

And whereas it appears to the satisfaction of the court that Alvah White, of VanBuren County in the District of Iowa Territory, a bankrupt has, bona fide, surrendered all his property, and rights of property, for the benefit of his creditors, with the exception of certain articles which he has been permitted to retain under the third section of the act of Congress of the 19th of August 1841, entitled "an act to establish a uniform system of bankruptcy throughout the United States;" and whereas the said Alvah White hath fully complied with and obeyed all the orders and directions which have, from time to time, been passed by this court, and has otherwise conformed to all the other requisitions of the said act; It is this 2nd day of January 1844, ordered and de-

creed by the court, that the said Abrah Whitc. is entitled to a full discharge from all his debts, contracts, and other engagements, provable under the said act and the same is hereby decreed and allowed and it is further ordered that a certificate thereof be and the same is hereby granted to him. +

Charles Mason
Chief Justice

# In Bankruptcy

## No. 3

In the Matter of Jonas Clark a bankrupt:—

Whereas it appears to the Satisfaction of the Court that Jonas Clark, of Muscatine County in the District of Iowa Territory, a bankrupt, has bona fide, Surrendered all his property, and rights of property, for the benefit of his Creditors, with the exceptions of certain articles which he has been permitted to retain under the third section of the act of Congress of the 19th of August, 1841, entitled "an act to establish a uniform System of bankruptcy throughout the United States;" and whereas the said Jonas Clark hath fully complied with and obeyed all the orders and directions which have, from time to time, been passed by this Court, and has otherwise conformed to all the other requisitions of the said act; It is this 2nd day of January 1844, ordered and decreed by the Court, that the said Jonas Clark, is entitled to a full discharge from all his debts, Contracts, and other engagements, provable under the said act, and the same is hereby decreed and allowed and it is further ordered that a certificate thereof be and the same is hereby granted to him.—

Charles Mason
Chief Justice

January 11th A. D. 1845 this day Charles Mattson the Assignee herein made his Report, which was accepted and approved by the Court & ordered to be filed.—

In Bankruptcy

No 4

In the Matter of David Clarke a Bankrupt

It appearing to the satisfaction of the Court this 2nd day of January 1844. that since the said David Clarke was declared a bankrupt and that he has departed this life, It is therefore ordered that this matter abate accordingly —

Charles Mason

Chief Justice

January 11th A.D. 1845 This day Charles Stratton the Assignee herein made his report which was accepted, and approved by the Court and ordered to be filed —

In Bankruptcy

1825.

In the matter of Henry Funk a bankrupt

Whereas it appears to the Satisfaction of the Court that Henry Funk of Muscatine County a bankrupt, has bona fide, surrendered all his property, and rights of property, for the benefit of his Creditors, with the exception of certain Articles which he has been permitted to retain under the third Section of the act of Congress of the 19th of August, 1841, entitled "an act to establish a uniform System of bankruptcy throughout the United States;" and whereas the said Henry Funk hath fully Complied with and obeyed all the orders and directions which have, from time to time, been passed by this Court, and has otherwise conformed to all the other requisitions of the said act;

It is this 2nd day of January 1844, ordered and decreed by the Court, that the said Henry Funk is entitled to a full discharge from all his debts, Contracts, and other engagements provable under the said act, and the same is hereby decreed and allowed; and it is further ordered that a certificate thereof be and the same is hereby granted to him. —

Charles Mason
Chief Justice

January 11th. A.D. 1845 — This day Charles Mason Esq. the assignee herein made his report which was accepted and approved by the Court and ordered to be filed —